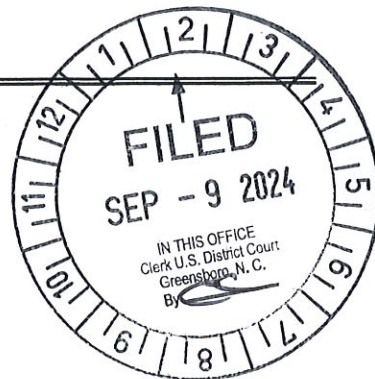


UNITED STATES DISTRICT COURT

for the

Middle District of North

Carolina Division



Case No.

24cv 750
(to be filled in by the Clerk's Office)

Cheryl Ann Blake

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Belk Inc.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Cheryl A. Blake
Street Address	4321 Marbrey Drive
City and County	Durham and Durham
State and Zip Code	North Carolina 27703
Telephone Number	919-475-4070
E-mail Address	cherylbcab@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Belk
Street Address	6910 Fayetteville Road
City and County	Durham and Durham
State and Zip Code	27713
Telephone Number	(919)361-8868

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law (specify the federal law):

Retaliation under Title VI of the Civil Rights of 1964, Title VII and section 1981;
Harassment under Title VII Civil Rights Act 1964

- ☒ Relevant state law (specify, if known):

Defamation of character, slander, libel; Harassment ; Company policyviolation

- ☒ Relevant city or county law (specify, if known):

Durham or Durham

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☒ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: Wrongful Termination, Company Policy Violation, Harassment, Defamation, False Accusation, Fraud, Plagiarism content paper trial

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
05-20-23/05-09-23/02-25-23/09-21-21/06-19-21 (dates included within those dates and as report)

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race African American
- ☒ color Black
- ☒ gender/sex Female
- ☐ religion
- ☐ national origin
- ☒ age *(year of birth)* 66 *(only when asserting a claim of age discrimination.)*
- ☒ disability or perceived disability *(specify disability)*
a perceived mental and/or physical disability

E. The facts of my case are as follows. Attach additional pages if needed.

See attachment: Exhibit A

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

07-14-2023

B. The Equal Employment Opportunity Commission *(check one)*:

☐ has not issued a Notice of Right to Sue letter.

☒ issued a Notice of Right to Sue letter, which I received on *(date)* 6/10/2024.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☒ 60 days or more have elapsed.

☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am seeking damages to exceed \$75000 for employment discrimination based on The Civil Rights Act of 1964 (i.e., Title VII) as amended; on a State and Federal Level, the Age Discrimination Act of 1967 as codified 29USC 621-634, Retaliation Under Title VI, All Company Policy Violations, Wrongful Termination, Defamation of my character, Harassment, A perceived menatal disability discrimination, all income loss front and back pay, repayment to Social Security overpayment, Loss of government stimulus as part time, unequals working hours requirements, unequal hiring and firing practice, dental insurance premium reimbursment, humiliation, all Federal and State law violations, fraudulet documents, copying from inside and outside documents or discovery with malicious intent, false accusations, emotional and mental distress, and any punitive or compensatory damages deemed by the courts..

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

cb.
9/8/2024

9-9-2024

Signature of Plaintiff

Cheryl A. Blake

Printed Name of Plaintiff

Cheryl A. Blake

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Exhibit A

I. I am a black female over 40 years of age who was employed by Belk in 2019. My supervisor was Tristan Owens Omni manager.

I believe that Owens has a bias against people of color in general, and against me specifically because of my age. I was the oldest employee in my department. He was sabotaging my work and nitpick my work and would spin situations to make it appear that I did something wrong.

Tristan falsely accused me of raising my voice in December 2022. which I did not do and I was written up falsely in February 2023.

The previous managers that are no longer at Belk wrote me up in June 2021 based on lies and the manipulation of the truth after I reported I was assaulted by another employee twice on the sales floor. It is believed no action was taken against her.

After a series of incidents, I complained to Human Resources in September 2021. They accused me of not providing sufficient information, and I received a second write-up. I believe the employer targeted me to create a paper trail to get rid of me. By Belk's policy the 2021 write ups were expired meaning inactive as stated by HR Connors.

II. I noticed a difference in the way that Owens treated males and females. He reprimanded female employees on the sales floor in front of other staff and customers. He never treated the male employees that way.

My complaints were not kept confidential. I learned to protect myself from false accusations by recording my conversations with management. He accused me of unprofessional behavior when he was the one who exhibited a lack of professional behavior. As well as; other managers. The Assistant Store Manager recruited Tristan from an outside personal relationship, which was a conflict of interest. He also had a tendency to lie and twist the truth with defamation and to make me seem to be at fault. Other black employees had similar experiences with Owens.

January 2023, I asked to become a full-time employee from part time as I no longer had restricted income. Stacy lied to say they were not hiring just moving seasonal to flex positions but a FT position was given to a younger in age seasonal employee. Without posting for internal equal employment opportunity.

Prior to 2023 as Social Security retired, I let the employer know that I was only able to work a limited number of hours. However, I was routinely scheduled for full-time hours which reduced my Social Security benefit because of overpayment.

I was terminated on May 20, 2023. I was given a reason for the termination that I hung up on Stacy when I called out for my shift. I was a dependable employee and I had good job performance.

III. I believe I was discriminated against because of my age (over 40), in violation of the Age Discrimination in Employment Act of 1967, as amended, my race (Black), and my sex (female) in violation of Title VII of the Civil Rights Act of 1964, as amended. In addition, I was retaliated against for engaging in a protected activity.

C. Henry Blake
9-8-24



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Raleigh Area Office
434 Fayetteville Street, Suite 700
Raleigh, NC 27601
(984) 275-4800
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

To: Cheryl A. Blake
4321 Marbrey Dr
Durham, NC 27703
Charge No: 433-2023-02927
Issued On: 05/31/2024
EEOC Representative and email: Marie Myatt
Investigator
marie.myatt@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign in to the EEOC Public Portal and upload the court complaint to charge 433-2023-02927.

On behalf of the Commission,

Stephen
Karanja

Digitally signed by
Stephen Karanja
Date: 2024.05.31
15:47:13 -04'00'

For/Johnnie Barrett
Area Office Director